

RE: Sigler Deposition Privilege Assertion- Oldham

From: Bernadette Reyes bernadette@uclavrp.org

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2022-08-12 Doc 530 Order Granting in Part and Denying in Part [387] [496] Motions to Compel.pdf 347 KB

Mr. Russo:

The private plaintiffs bring your attention to the attach prior order in the LULAC v. Abbott case (Case 3:21-cv-00259-DCG-JES-JVB) specifically to address your claim of privilege regarding Dale Oldham map drawing work. As you can see from this Order, which Judge Brown joined, a blanket invocation of privilege is unsupported. For example, the order holds: "So documents that are instead "concerning 'advice on political, strategic or policy issues . . . [are] not [] shielded from disclosure by the attorney-client privilege.'" The order also holds that Mr. Bryan's map mapping work are not work product because it pertains to government adoption of policy for which their is an exception in the work product doctrine.

We would like to avoid the time and expense of reconvening this deposition. Please consider this on-point authority and reconsider barring this witness from testifying about his mapmaking work and communications.

Best,
Bernadette

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Bernadette Reyes

(she/her/hers)

Voting Rights Counsel

UCLA Voting Rights Project

From: Shawn Sheehy ssheehy@HoltzmanVogel.com

To: Bernadette Reyes bernadette@uclavrp.org, Meza, Catherine (CRT)

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Bernadette,

Thank you. First, the opinion you cite is distinguishable as the opinion involved document discovery and

what documents were and were not protected under the attorney-client and attorney work-product privilege. Additionally, the opinion faults the state for not producing a compliant privilege log. By contrast, we intend to produce a compliant privilege log and we are not asserting the same broad objections or similar documents, such as shapefiles of maps and the scheduling of conference calls about redistricting.

Second, this is why Defendants wanted to wait for depositions until after the privilege log was produced so that we could have discussions over what constituted attorney-client privilege and attorney work-product. It was at Plaintiffs' insistence that depositions begin before the privilege log was due.

Even still, Plaintiffs should be able to obtain the information they seek by asking non-objectionable questions.

Thank you,

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